



Town of Camden

P.O. DRAWER 1002
CAMDEN, DELAWARE 19934

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Ordinance #2008-O-12

FLOOD DAMAGE PREVENTION

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[HISTORY: Adopted by the Town Council of the Town of Camden 9-14-81 BY Ord. No. 16. Amendments noted where applicable.]

Building construction – See Ch. 70.
Building permits – See Ch. 74

Manufactured homes – See Ch. 129.
Zoning – See Chapter 240.

**ARTICLE I
General Provisions**

Section 1. Intent.

The intent of this chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

Section 2. Abrogation and greater restrictions.

This chapter supersedes any ordinances currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 3. Applicability.

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provision of this chapter and the municipality's and/or county's need to minimize the hazards and damage resulting from flooding.

**ARTICLE II
Definitions**

Section 4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BASE FLOOD – The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood.

BASE FLOOD ELEVATION – The one-hundred-year-flood elevation. Within the approximated floodplain the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the construction site in question.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD – A general and temporary inundation of normally dry land areas.

FLOODPLAIN –

- A. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- B. An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage or lands, water and sanitary facilities, structures, and contents of buildings.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle. **[Amended 12-6-93¹]**

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or continuous parcels) of land divided into two or more manufactured home lots for rent or sale. **[Amended 12-6-1993]**

NEW CONSTRUCTION – Structures for which the start of construction is herein defined commenced on or after the effective date of this chapter. This term does not apply to any work on a structure existing before the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD – A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year.

PERSON – Any individual or group of individuals, corporation, partnership, association, or other entity, including state and local governments and agencies.

PRINCIPALLY ABOVE GROUND – Where at least 51% of the actual cash value of a structure, less land value, is above ground.

¹ Editor’s Note: This ordinance also provided that, throughout this chapter, the terms “mobile home” and “mobile home park” shall be replaced with “manufactured home” and “manufactured home park.”

START OF CONSTRUCTION – The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary form; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including at a minimum the construction of streets, either final site grading or the pouring on concrete pads, and installation of utilities) is completed.

STRUCTURE – A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT –

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - (1) Before the improvement or repair is started; or
 - (2) If the structure has been damaged, and is being restored, before the damage occurred.

- B. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (2) Any alteration of a structure listed on the National Register of historic Places or a State Inventory of Historic Places.

ARTICLE III
Establishment of the Floodplain District.

Section 5. Areas subject to flooding. [Amended 12-6-1883]

The floodplain district shall include all areas subject to inundation by the waters of the one-hundred-year-flood. The source of this delineation shall be the Flood Insurance Study for the Town of Camden, Kent County, Delaware, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

Section 6. Floodway subdistricts.

The floodplain district shall be comprised of two subdistricts as follows:

- A. Floodway (F1): That portion of the floodplain district required to carry and discharge the waters of the one-hundred-year flood without increasing the water surface elevation at any point more than one foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above.
- B. Floodway Fringe (F2): Those portions of land within the floodplain district subject to inundation by the one-hundred-year flood, lying beyond the floodway in areas where detailed study data and profiles are available.

Section 7. Modification to floodplain districts.

- A. The delineation of the floodplain district may be revised, amended and modified by the Town Council in compliance with the National Flood Insurance Program when:
 - (1) There are changes through natural or other causes.
 - (2) Changes are indicated by future detailed hydrologic and hydraulic studies.
- B. All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

Section 8. Boundary dispute.

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Building Inspector. Any party aggrieved by this decision may appeal to the Town Council. The burden of proof shall be on the appellant.

ARTICLE IV
Utilization of the Floodplain District

Section 9. Floodway (F1).

A. General requirements:

- (1) In the floodway no development shall be permitted which would result in any increase in the base flood elevation during the occurrence of the base flood discharge. When a developer proposes to offset the effects of development in the floodway by construction of stream improvements, he shall submit an engineering study prepared by a registered professional engineer which fully evaluates the effects of such construction. The report shall use the base flood as herein defined as the basis of analysis. Add adjacent communities and the state coordinating office shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Insurance Administrator. In addition, the developer shall assure the Town of Camden, in writing, that the flood-carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.
- (2) All uses, activities, and other development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

- B. Manufactured homes. In the floodway the placement of any manufactured homes, except in an existing manufactured home park or manufactured home subdivision, shall be prohibited. For any existing manufactured home park or subdivisions within the floodway, the owner or operator of the manufactured home park or subdivision shall file with the disaster preparedness authorities of Kent County and the Town of Camden an evacuation plan which indicates alternate vehicular access routes and escape routes.

Section 10. Floodway fringe (F2).

- A. In the floodway fringe any development and/or use of land shall be permitted, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations. For any manufactured home park or subdivision within the floodway fringe, the owner or operator of the manufactured home park or subdivision shall file with the disaster preparedness authorities of Kent County and the Town of Camden an evacuation plan which indicates alternate vehicular access routes.
- B. In addition, whenever a developer intends to alter or relocate a watercourse within the floodway fringe, the developer shall notify in writing by certified mail all adjacent communities and the state coordinating office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the Town of

Camden, in writing, that the flood-carrying capacity within the altered or relocation portion of the watercourse in question will be maintained.

ARTICLE V
Criteria for Building Permit Site Plan Approval

Section 11. Building permit criteria.

- A. Building permits are required in order to determine whether all new construction or substantial improvements are:
- (1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. **[Amended 12-6-1993]**
 - (2) Constructed with materials and utility equipment resistant to flood damage.
 - (3) Constructed by methods and practices that minimize flood damage.
 - (4) Constructed with electrical heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. **[Added 12-6-1993]**
- B. The basic format of the building permit shall include the following:
- (1) Name and address of applicant.
 - (2) Name and address of owner of land on which proposed construction is to occur.
 - (3) Name and address of contractor.
 - (4) Site location.
 - (5) Brief description of proposed work and estimated cost.
 - (6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- C. Depending on the type of structure involved, the following information shall also be included in the building permit for work within the floodplain district:
- (1) For structures to be elevated to the base flood elevation:
 - (a) A plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.

- (b) A determination of elevations of the existing ground, proposed finished ground, lowest floors certified by a registered professional engineer, surveyor or architect.
 - (c) Plans showing the method of elevating the proposed structures, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect.
 - (d) Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the base flood elevation at the building site.
- (2) For structures to be floodproofed to the base flood elevation (nonresidential structures only):
- (a) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 - (b) A determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a registered professional engineer, surveyor, or architect.
 - (c) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection C(2)(a) above, that the structure in question together with attendant utility and sanitary facilities is designed so that:
 - [1] Below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
 - [2] The structure will withstand the hydrostatic, hydrodynamic, buoyant impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the base flood.

Section 12. Minimum floodproofing standards.

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the floodplain district.

- A. Basements and lowest floors.

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to the base flood elevation. All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated to the base flood elevation; or, together with the attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: **[Added 12-6-1993]**
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Fill. If fill is used to raise the finished surface of the lowest floor to the base flood elevation:

- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally 15 feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally 15 feet beyond the building line, shall be provided to a minimum of 25% of the perimeter of a nonresidential structure.
- (2) Fill shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
- (3) Fill material shall be compacted to provide the necessary stability and resistance of erosion, scouring, or settling.

- (4) Fill slopes shall be no steeper than one vertical on two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Inspector.
- (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

C. Placement of buildings, structures, and manufactured homes.

- (1) All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of floodwater.
- (2) The following shall not be placed or caused to be placed in the designated floodway: fences, except two-wire fences, other matter which may impede, retard, or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- (3) Manufactured homes shall be elevated on compacted fill or on pilings so that the lowest flood of each manufactured home will be at the base flood elevation.
- (4) Adequate surface drainage and access for a manufactured home hauler shall be provided.
- (5) When manufactured homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.

D. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- (2) All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to resist flotation.
- (3) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically:

- (a) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
 - (b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (d) Any additions to a manufactured home shall be similarly anchored.
- E. Storage. No new construction which stores materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, shall be stored below Base Flood Elevation.

Section 13. Site plan criteria.

- A. The owner or developer of any proposed subdivision, manufactured home park or subdivision, or other development shall submit a site plan to the Planning Commission which includes the following information:
- (1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
 - (2) A map showing the location of the proposed subdivision and/or development with respect to the municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, shall include base flood elevation data.
 - (3) Where the subdivision and/or development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas.
- B. For all new manufactured home parks, or expansions to existing manufactured home parks, and for existing manufactured home parks where the repair, reconstruction, or improvement of the streets, utilities and pads equal or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has

commenced, the following requirements shall be met for any construction within the floodway fringe:

- (1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of each manufactured home will be at the base flood elevation.
- (2) Adequate surface drainage and access for a manufactured home hauler shall be provided.
- (3) When manufactured homes are to be elevated on pilings, lot shall be large enough to permit steps, piles shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than six feet above ground level.

C. Utility and facility requirements. For all proposed subdivisions, manufactured home parks or subdivisions, or other development the Planning Commission shall require:

- (1) All new or replacement water systems, located in the floodplain district, whether public or private, shall be floodproofed to the base flood elevation.
- (2) All new or replacement sanitary disposal systems, located within the floodplain district, whether public or private, shall be floodproofed to the base flood elevation.
- (3) All other new or replacement public and/or private utilities and facilities shall be elevated or floodproofed to the base flood elevation.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. **[Added 12-6-1993]**

D. Drainage. Adequate drainage shall be provided to reduce exposure of flood hazards.

ARTICLE VI Administration

Section 14. Building permits and site plan approvals required.

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken the new construction, substantial improvement, or relocation of any structure (including manufactured homes) within the floodplain district, unless the necessary permits have been obtained from the Building Inspector. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Building Inspector prior to any development.

Section 15. Approval of permits and plans.

- A. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. The Building Inspector shall require copies of all necessary permits from those governmental agencies from which approval is required by federal or state law.
- C. A record of all information supplied to the Building Inspector shall be kept on file by the Town of Camden.

Section 16. Application procedures.

Application for a building permit and site plan approvals shall be made, in writing, to the Building Inspector and Planning Commission and shall include all information stipulated under Article V of this chapter.

Section 17. Changes.

After the issuance of a building permit by the Building Inspector or site plan approval by the Planning Commission, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Inspector and the Planning Commission.

Section 18. Placards.

In addition to the building permit, the Building Inspector shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Inspector.

Section 19. Start of construction.

Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Building Inspector.

Section 20. Inspection and revocation.

During the construction period, the Building Inspector or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event the Building Inspector discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by

any applicant, the Building Inspector shall revoke the building permit and report such fact to the Town of Camden for whatever action it considers necessary.

Section 21. Fees.²

Applications for a building permit shall be accompanied by a fee, payable to the Town of Camden. The calculations currently used by the Town of Camden will determine the permit fee.

**ARTICLE VII
Appeals and Penalties**

Section 22. Appeals.

Whenever any person is aggrieved by a decision of the Building Inspector or the Planning Commission with respect to the provision of this chapter, it is the right of that person to appeal to the Town Council. Such appeal must be filed, in writing, within 30 days after the determination by the Building Inspector or Planning Commission. Upon receipt of such appeal, the town Council shall set a time and place not less than 10 nor more than 30 days for the of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the Town Council shall be final in all cases.

Section 23. Appeals review criteria.

- A. All appeals contesting only the permit fee established by the Building Inspector may be handled at the discretion of the Town Council.
- B. All decision on appeals to other provisions of this chapter not covered in § 106-22 above shall adhere to the following criteria:
 - (1) An affirmative decision shall not be issued by the Town Council within the designated floodway if any increase in flood levels during the base flood discharge would result.
 - (2) A decision may be issued by the Town Council for the construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation in conformation with the procedures of Subsection B(3), (4), (5) and (6) of this section.
 - (3) Affirmative decisions shall only be issued by the Town Council upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (c) a determination that granting on an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances,

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

cause fraud on or victimization of the public or conflict with existing local laws or ordinance.

- (4) Affirmative decisions shall only be issued upon determination that it is the minimum necessary considering the flood hazard to afford relief.
- (5) The Town Council shall notify the applicant in writing over the signature of a community official that (a) the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance, (b) such construction below the base flood elevation increase risks to life and property. Such notification shall be maintained with a record of all decisions as required in Subsection B(6) of this section; and
- (6) The Town Council shall (a) maintain a record of all decisions including justification for their issuance, and (b) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

Section 24. Violations and penalties.³

Any person who fails to comply with any or all of the requirements of provisions of this chapter or direction of the Building Inspector or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Town of Camden of not less than \$100 nor more than \$500 plus costs of prosecution. In default of such payment such person shall be imprisoned for a period not to exceed 10 days. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter may be declared by the Town of Camden to be a public nuisance and abatable as such.

Section 25. Municipal liability.

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area shall not constitute a representation guarantee, or warranty of any kind by the Town of Camden or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Town of Camden, its officials or employees.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

ENACTED AND ORDAINED THIS 4th DAY OF AUGUST 2008.



APPROVED AS TO FORM:

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ATTEST:

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Town Manager

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